



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

M/023/023
PLS FILE
Sanpete Ranger District
540 North Main 32-14
Ephraim, UT 84627
Phone # (435) 283-4151
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File Code: 2810

RECEIVED

Date: April 24, 2000

H.E. Davis and Sons, Inc.
Attn: Harry Davis
P.O. Box 903
Salem, Utah 84653

APR 26 2000

**DIVISION OF
OIL, GAS AND MINING**

RE: Cultural report on proposed modification for the Henry 1 and 2 Gypsum Mine, south of the town of Levan, Utah.

Dear Harry:

Thank you and your staff for meeting with Will Wilson (District Geologist) and Krista Kiaha (Forest Service Archaeologist) on April 11, 2000 to review your proposed modification of the Henry 1 and 2 Gypsum Mine, located south of Levan.

A cultural resource survey and review was conducted on the area of the proposed mine modification. Unfortunately, the area had been disturbed and vegetation removed by heavy equipment sometime earlier in the year. Stan Davis, representative of your company, mentioned that a dozer operator had misunderstood some remarks and wanting to be "helpful" had accessed the area and began removing vegetation with a D8 size dozer. The area of the proposed mine modification was culturally surveyed as best as possible given the amount and degree of disturbance.

I am very disappointed that this unauthorized disturbance occurred. If an archaeological site had been present and damaged, then your actions could have constituted a violation of the Archaeological Resources Protection Act (ARPA). Such violations are subject to investigation and possible prosecution by the U.S. Attorney's Office. Potential consequences could have included fines and restitution to the government for costs of restoration and repair.

In addition, adherence to a valid operating plan and permits provides adequate measures to identify, evaluate, and protect archaeological resources. Generally, such protective measures require only minimal investment. However, when the terms of the operating plan are not adhered to or actions are taken outside the operating plan, then resources can be placed at risk.

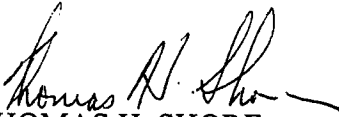
The Forest Service will be submitting the cultural report to the State of Utah Historical Preservation Office (SHPO) for review and concurrence on the undertaking (your proposal). This report will outline and detail the unauthorized disturbance that occurred, as well as, the report findings.

(1.) I hope that in the future on-the-ground personnel will understand that such disturbance is not allowed until the Forest Service has approved the project and (2.) that you will immediately contact the Forest Service if such a situation happens again.



If you have any questions or concerns, I can be reached at (435) 283-4151 or you can reach Will Wilson at (435) 384-2372 or Stan McDonald at (435) 637-2817.

Sincerely,



THOMAS H. SHORE
District Ranger

cc:

Stan McDonald, Manti-La Sal NF, Forest Archaeologist

Carter Reed, Manti-La Sal NF, Minerals

Tom Munson, DOGM, POB 145801, Salt Lake City, Utah 84114-5801

Krista Kiaha, Manti-La Sal NF, Archaeology